

FILED
MARIE HIRST COURT CLERK
CANADIAN COUNTY, OKLAHOMA

IN THE DISTRICT COURT OF CANADIAN COUNTY
STATE OF OKLAHOMA

NOV - 5 2020

RANDY WAYNE CLYBURN
Plaintiff,

vs.

LOWE'S HOME CENTERS, LLC, a
Foreign Limited Liability Company,
and JOHN DOE #1,
Defendants.

BY _____
DEPUTY

Case No. CJ-2020 550

JACK D. MCCURDY II

P E T I T I O N

COMES NOW the Plaintiff, Randy Wayne Clyburn, and for his first cause of action against the Defendants, states:

1. That Plaintiff is a resident of Canadian County, Oklahoma.
2. That Defendant, Lowe's Home Centers, LLC, is a "for profit" foreign limited liability company conducting business within the state of Oklahoma.
3. That Defendant, John Doe #1, is an employee of Defendant, Lowe's Home Centers, LLC.
4. That on or about the 25th day of April, 2019, Plaintiff was an invitee on the premises of the Defendants' home improvement store #1134, in Yukon, Oklahoma, wherein Plaintiff had purchased a 54" Craftman Zero turn riding lawn mower.
5. That Plaintiff pulled his truck to the front of the store where Defendant John Doe #1 placed aluminum ramps from the ground to the tailgate

of the truck and instructed Plaintiff to then drive the riding mower into the bed of the truck. That Defendant John Doe #1 failed to properly secure said ramps and the ramps subsequently fell from the truck while the Plaintiff was driving the mower up the ramps causing the Plaintiff and mower to fall off of the ramps.

6. That at the time of the accident, the Defendant John Doe #1 was in the course of his employment with the Defendant Lowe's, and that the Defendant is therefore liable to Plaintiff through *Respondeat Superior*.

7. That the Defendant Lowe's violated its duty to use reasonable care to protect the Plaintiff while on the premises and by its failure to establish procedures and training for its employees.

8. That Defendant Lowe's was negligent in its hiring, training and retention of the Defendant, John Doe #1.

9. The unsecured ramps created a hidden and dangerous condition, which Defendants failed to warn Plaintiff of.

10. That as a direct result of the negligence and breach of duties of the Defendants, Plaintiff fell while driving the mower up the ramps and suffered severe physical injuries resulting in permanent disabilities and disfigurement; and that he has incurred medical expenses and will continue to incur medical expenses in the future.

11. That as direct result of the negligence and breach of duties of the Defendants, Plaintiff has suffered physical pain, mental and emotional anguish

and will continue to suffer same in the future.

WHEREFORE, Plaintiff prays for judgment against the Defendants for an amount in excess of \$75,000.00, along with any other relief to which he may be justly and properly entitled.

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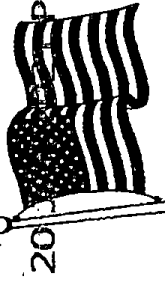
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OF THE RETURN ADDRESS, FOLD AT DOTTED LINE
CERTIFIED MAIL™



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Lowes Home Centers, LLC
c/o Corporation Service Company
10300 Greenbriar Place
Oklahoma City, OK 73159

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